HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.25834 of 2006

DATED: 22.06.2007

Between:
R.Venkata Subbaiah and another

..... Petitioners

AND

Sri Mallikharjuna Swamy Kamakshi
Tai Temple, Zonnawada, Buchireddypalem
Mandal, Nellore District rep. by
its Excutive Officer and others

.....Respondents

HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.25834 OF 2006

ORDER:

This writ petition is filed with the following prayer:

> "To issue a writ order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in flooding the 1st respondent-Temple by deploying the persons by adopting the method of deputation though not provided under the Endowments Act or Rules, that too without there being a sanctioned post as illegal, void and further declare the action of the respondents in not taking the possession of the land in the hands of Archaka as illegal void, and hit by Sections 34 and 144 of the Endowments Act and consequentially direct the respondents to pay the 2005 PRC Pay scales to the petitioners by stopping the payments to the deployed persons and leasing out the lands in the hands of archakas and pass such other or further order or orders as deems fit and proper in the interest of justice."

When the matter is taken up for admission, it is submitted by the learned Standing Counsel for respondent No.1-Temple and admitted to by the learned counsel for the petitioners that during the pendency of the writ petition the deputationists, who are three in number, were sent back to their parent departments and also the land, which is in the possession of Archakas, is taken back by respondent No.1-Temple.

Insofar as implementation of PRC-2005 Pay Scales to the petitioners is concerned, the learned Standing Counsel for respondent No.1–Temple, on instructions, submits that under Section 57 of the Act 30 of 1987, the salaries of respondent No.1–Temple shall not exceed 30% of the annual income of the Temple, and since from the year 2001 the establishment charges of respondent No.1-Temple has gone up above 30%, they are not in a position to extend the benefit of PRC-2005 Pay Scales to the staff of the Temple including the petitioners,

which fact is also not disputed by the learned counsel for the petitioners.

However, the learned counsel for the petitioners submits that in case if the establishment charges of respondent No.1-Temple comes down to 30%, PRC-2005 Pay Scales can be implemented to the petitioners. The learned Standing Counsel for respondent No.1-Temple assures that if the establishment charges of respondent No.1-Temple comes down to less than 30%, they will extend the benefit of PRC-2005 Pay Scales to the petitioners.

Having regard to the facts and circumstances of the case, and in view of the assurance given by the learned Standing Counsel for respondent No.1-Temple, no further orders need be passed in this writ petition.

Accordingly, the writ petition is closed. No costs.

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N.V.RAMANA, J.

Date:22-06-2007
Lrkm.